

March 10, 2015

A regular meeting of the Council of the Town of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., March 10, 2015.

Members present: Mayor Robert T Wandrei; Councilman Tim Black; Councilman Stacey L. Hailey; Vice Mayor Steve C. Rush; Councilman Beckham A. Stanley; and Councilman James A. Vest

Members absent: Councilman Robert D. Carson

Staff present: Town Manager Charles P. Kolakowski; Town Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher

Mayor Wandrei opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

The Mayor welcomed Boy Scout Troop 183 to the meeting.

Mayor Wandrei declared that the minutes of a regular Council meeting held on February 24, 2015, were approved as distributed.

The Mayor said that Councilman Carson would not be in attendance at the meeting as he was called out on an emergency.

Town Manager Kolakowski reported on the following:

- A notice has been received of a Legislative Wrap-Up Breakfast to be held on April 1, 2015, at 8:00 a.m. at the Center for Advance Engineering & Research in Forest.
- Council has been given copies of the Town of Bedford FY 2016 proposed budget, which has been put together by staff for Council's consideration. A budget retreat and work session will be held on Tuesday, March 17 at 5:15 p.m. in the Council Hall. The Town Manager encouraged members of Council to review the proposed budget before the retreat and if there are any questions he asked Council to contact the staff during the week so that staff can have an answer for discussion at the retreat.

Councilman Black stated that Bedford Main Street has had a couple of meetings and as the liaison between Bedford Main Street and Council, he an gave update on Main Street. Councilman Black said there are 13 new board members: Jim Messier, Stacey Hailey, Stan Bennett; Jeremy Johnson; Jessica Hupp, Nick Soukhanov, Karen Hopkins, Chastaneyka Wilcox, Mary Grace Franchi, Bryan Schley, Mike Trussell, Lisa Saunders, and Jessica Cox. He said the Board met on March 9 and had training with a representative from Virginia Main Street.

Councilman Hailey thanked D. W. Lawhorne, Public Works Director, and Corey Crompton, Interim Electric Director, for the work done during the recent snow storms.

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Councilman Stanley said he would like to give Councilman Hailey a chance to explain his reasoning for voting against the electric rate increase.

Mayor Wandrei said he was out of order. The Mayor said there was no reason for any explanation.

Councilman Stanley said he did. Councilman Stanley said that when an electric utility, over one hundred years old, needs a rate increase and a Councilman is against it, he would like to hear his reasoning and said he thought we all deserve to hear that reasoning.

The Mayor said he did not believe that it was necessary for anybody to explain their vote – they vote their best conscience and for whatever reason it is up to them.

Councilman Stanley asked the Clerk of Council to note that in the minutes.

Mayor Wandrei said that Councilman Stanley's objection was noted and his comments were also noted as was his response.

Councilman Vest, Chairman of the Finance Committee, said the Committee met earlier in the evening and the total cost for the snow removal was in excess of \$47,000. The money will be reimbursed from the Virginia Department of Transportation, but it will come out of the Town's total allotment. Councilman Vest also thanked the Public Works Department and the Electric Department for their work during the recent snow storms.

Town Manager Kolakowski reported that the Bedford Pregnancy Center is requesting permission to hold The Glow 5K charity race on Saturday, April 25, 2015, and to block the following streets from 8:45 a.m. to 10:00 a.m.:

Start at Bedford Elementary School, follow Tiger Trail, turn left at Overlord Circle and follow it all the way up to the National D-Day Memorial parking lot, and then return to the school along the same route

Town Council was requested to approve the closing of the above streets for The Glow 5K charity race sponsored by The Bedford Pregnancy Center from 8:45 a.m. to 10:00 a.m. on April 25, 2015.

On motion by Councilman Hailey, seconded by Councilman Vest, voted upon and carried by a roll call vote, Council approved the closing of the above streets for The Glow 5K charity race sponsored by The Bedford Pregnancy Center from 8:45 a.m. to 10:00 a.m. on April 25, 2015. Roll call vote follows:

Councilman Black	aye
Councilman Carson	absent
Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Mayor Wandrei	aye

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The Town Manager stated as directed by Town Council, staff has prepared an Ordinance revising Section 46-119 (Solid Waste Container Sites) of the Bedford Code to incorporate stricter regulations and penalties for violating the provisions as set forth in this section. The Ordinance has been posted in accordance with the provisions of Section 2-30 of the Town Code. Town Council was requested to adopt the Ordinance revising Section 46-119 (Solid Waste Container Sites).

Vice Mayor Rush moved that the Ordinance revising Section 46-119 (Solid Waste Container Sites) be adopted. The motion was seconded by Councilman Hailey.

A brief discussion ensued regarding the punishment for third offenses under the proposed ordinance.

The motion was then voted upon and carried by the following roll call vote:

Councilman Carson	absent
Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Councilman Black	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

**ORDINANCE NO. 15-6**

**AN ORDINANCE REVISING SECTION 46-119  
(SOLID WASTE CONTAINER SITES)**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA** as follows:

**Section 1.** Section 46.119 of The Code of the Town of Bedford, Virginia is enacted as follows:

Sec. 46-119. Solid Waste Container Sites,

A. The Town provides solid waste containers in public places within the Town for dumping residential refuse only and for recycling of glass, newspaper, other paper, and cardboard. Containers provided for such purposes shall be marked accordingly.

B. Only household refuse shall be placed into the solid waste containers marked for residential refuse, and no building materials, appliances, automotive parts, trees or branches, or furniture shall be placed in such containers.

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C. Only designated recyclable materials shall be placed in the recyclable containers.

D. No person who is a non-resident of the Town shall place any waste, trash, garbage, refuse, or recycling materials into the Town solid waste containers.

E. No person shall take or scavenge items placed in the solid waste containers.

F. Any person violating any provisions of this section shall be guilty of a misdemeanor provided as follows:

(1) For first offense within one year, a fine of not less than \$100 or more than \$250;

(2) For a second offense within one year, a fine of not less than \$250 or more than \$500;

(3) For a third offense within one year a fine of \$500 and confinement in jail for up to twelve months. In lieu of imposition of confinement in jail, the Court may order the defendant to perform a mandatory minimum of 10 hours of community service pursuant to Code of Virginia Section 33.2-802.

G. When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of Section 46.2-936 in making an arrest.

When a violation of the provisions of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of the motor vehicle shall be presumed to be the person ejecting or disposing of the matter. However, such presumption shall be rebuttable by competent evidence.

**Section 2.** This ordinance includes a penalty for its violation, and the Clerk is directed to cause the ordinance to be published one time immediately after its passage in some newspaper published in the town or posted at three or more public places in the Town for one week in accordance with Section 19 of the town Charter, and this ordinance shall be effective upon completion of such publication or posting.

Mayor Wandrei adjourned the meeting at 7:10 p.m. until March 17, 2015, at 5:15 p.m. for a Budget Retreat in the Council Hall.